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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,275

06/01/2006

Walter Stephan

P71261US0

3152

136 7590 09/16/2008

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EXAMINER

BONZELL, PHILIP J

ART UNIT

PAPER NUMBER

3644

MAIL DATE

DELIVERY MODE

09/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,275	Applicant(s) STEPHAN ET AL.	
	Examiner PHILIP J. BONZELL	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/3/2007, 5/24/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-11 are objected to because of the following informalities: Each of the claims starts with "An arrangement" which does not claim the priority of "An arrangement" in Claim 1, using this phrase essential creates an independent claim that is another embodiment of the arrangement. Therefore it is requested that the Applicant changes Claims 2-11 to start with --The arrangement-- otherwise a restriction would be proper and may be sent out in a following office action. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bargull (US Patent #5839694).

a. For Claims 1 and 7, figures 1 and 3 of Bargull '694 discloses an arrangement that is a luggage compartment (2) that has an integrated ceiling-side connecting element (19) that is arranged between extensions (16) of the side walls (14).

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- b. For Claim 2, figure 1 discloses the extension (16) formed by an upwardly projecting bracket (16B).
- c. For Claim 3, figure 1 discloses a force introducing element (16C).
- d. For Claims 4 and 5, figure 3 discloses a ledge or reinforcement on the left side of the connecting element (19), it can be seen that it is connected to the extensions (16) at two spots so as to be unshiftable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 3. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694). While Bargull '694 discloses in figure 3 the connecting element (19) as being attached to the compartment, it does not disclose gluing it onto the compartment, however, the Examiner takes Official Notice there are many different types of ways to connect pieces together including, lugs, bolts, rivets, and glue all of which are used in the aerospace art. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to use glue to connect components together.

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4. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) as applied to claim 1 above, and further in view of Spencer (US Patent #5842668). While Bargull '694 discloses an edge (28) in figure 2 that would distribute the forces on the bottom side of the stowage compartment, figure 6 of Spencer '668 teaches a bull nose or bottom carrier (28) at the bottom of the compartment that distributes forces. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Bargull '694 with the bottom carrier of Spencer '668 in order to more rigidly distribute the forces along the bottom of the compartment.

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) as applied to claim 1 above, and further in view of Mikalonis (US Patent #5441326). Bargull '694 is silent about the use of fiber glass as the connecting element, however, column 1, lines 22-23 of Mikalonis '326 teaches, "elongated panel member preferably formed by pultrusion from resin and glass fibers". Therefore it have been obvious to someone of ordinary skill in the art at the time of the invention to modify Bargull '694 with the fiber glass of Mikalonis '326 in order to create a structure that is strong and light.

6. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) in view of Mikalonis (US Patent #5441326) as applied to claim 9 above, and further in view of Stephan (US Patent #5817409). Both Bargull '694 and

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Mikalonis '326 are silent about the use of carbon fiber, however, column 12, lines 10-11 of Stephan '409 teaches the use of carbon fiber in the construction of a luggage compartment. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Bargull '694 and Mikalonis '326 with carbon fiber of Stephan '409 in order to create a structure that is strong and light and well known in the art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. BONZELL whose telephone number is (571)270-3663. The examiner can normally be reached on M-Th 8-5;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. J. B./
Examiner, Art Unit 3644

/Michael R Mansen/
Supervisory Patent Examiner, Art Unit 3644

pjb